

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

---

<b>ILLINOIS BELL TELEPHONE COMPANY</b>	)	
<b>(AMERITECH ILLINOIS) and</b>	)	
<b>CHOCTAW COMMUNICATIONS, LC</b>	)	
d/b/a <b>SMOKE SIGNAL COMMUNICATIONS</b>	)	<b>DOCKET No. 02-0782</b>
	)	
Joint Petition for Approval of Negotiated	)	
Interconnection Agreement dated September 17,	)	
2002, pursuant to 47 U.S.C. § 252	)	

<b>ILLINOIS BELL TELEPHONE COMPANY</b>	)	
<b>(AMERITECH ILLINOIS) and</b>	)	
<b>MIDWESTERN TELECOMMUNICATIONS, INC.</b>	)	
	)	<b>DOCKET No. 02-0789</b>
	)	
Joint Petition for Approval of Negotiated	)	
Interconnection Agreement dated November 7,	)	
2002, pursuant to 47 U.S.C. § 252	)	

---

**RESPONSE OF STAFF TO MOTION  
FOR EXPEDITED ENTRY OF PROPOSED ORDER**

Now comes the Staff of the Illinois Commerce Commission ("Staff"), through its counsel, hereby responds to the Motions of Illinois Bell Telephone Company [Ameritech Illinois] ("Ameritech") for expedited entry of substantially the same Proposed Order in each of the above cases. Staff objects to the entry of the Proposed Orders presented with the Motion for the following reasons:

1. In one of the above cases, Docket No. 02-0789, the CLEC has indicated some desire to follow the path of similar dockets, Docket Nos. 02-0676 and 02-0695, wherein those CLECs will be filing an amendment adopting the Docket 01-0120 Remedy Plan which, after consolidation, will thereby remove the remedy plan issues out

of the case. Thus, Ameritech's claim that this case will follow the same path as Docket Nos. 02-0596, 02-0651, and 02-0654 is not necessarily true.

2. In the other case, Docket No. 02-0782, the CLEC has not yet answered the data request sent to it. On December 23, 2002, Staff was contacted by the representative of the CLEC and expects the data request to be answered before Christmas. However, Staff objects to the concluding of Docket No. 02-0782 before the data request is answered.

3. In any event, all that has happened in Docket Nos. 02-0596, 02-0651, and 02-0654 is that the negotiated agreements are deemed or will be deemed to be approved after 90 days. 47 USC 252 (e) (4). It is Staff's understanding that, in many States, this is the most common process involving with negotiated agreements, a 90-day pass-through without specific proceedings, rulings or orders.

4. However, federal law is fairly specific about what a State agency can do on review of a negotiated agreement: approve or reject. 47 USC 252 (e) (1). Ameritech's proposed orders do neither and, therefore, are not orders contemplated by the negotiated agreement review process under 47 USC 252 (e).

5. More importantly, the proposed orders could be deemed to be proof that this Commission "fails to act to carry out its responsibility under this section," which would allow the preemption of the Commission by the Federal Communications Commission in these proceedings. 47 USC 252 (e) (5). The proposed orders could be considered a positive statement of a refusal to act, which is different than the statutory process of the 90-day pass-through. 47 USC 252 (e) (4).

**Wherefore** the Staff of the Illinois Commerce Commission objects to the Motions of Ameritech and asks that the Motions be denied.

December 23, 2002

Respectfully submitted,

/s/  
James E. Weging  
Matthew L. Harvey  
Sean R. Brady  
*Counsel for the Staff of the  
Illinois Commerce Commission*

Office of General Counsel  
Illinois Commerce Commission  
160 North LaSalle Street  
Suite C-800  
Chicago, Illinois 60601  
(312) 793-2877  
Fax (312) 793-1556  
JWEGING@ICC.State.IL.US

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

---

<b>ILLINOIS BELL TELEPHONE COMPANY</b>	)	
<b>(AMERITECH ILLINOIS) and</b>	)	
<b>CHOCTAW COMMUNICATIONS, LC</b>	)	
d/b/a <b>SMOKE SIGNAL COMMUNICATIONS</b>	)	<b>DOCKET No. 02-0782</b>
	)	
Joint Petition for Approval of Negotiated	)	
Interconnection Agreement dated September 17,	)	
2002, pursuant to 47 U.S.C. § 252	)	

<b>ILLINOIS BELL TELEPHONE COMPANY</b>	)	
<b>(AMERITECH ILLINOIS) and</b>	)	
<b>MIDWESTERN TELECOMMUNICATIONS, INC.</b>	)	
	)	<b>DOCKET No. 02-0789</b>
	)	
Joint Petition for Approval of Negotiated	)	
Interconnection Agreement dated November 7,	)	
2002, pursuant to 47 U.S.C. § 252	)	

---

**NOTICE OF FILING**

TO: Parties on Service List

**PLEASE TAKE NOTICE** that I have, on this 23rd day of December, 2002 A.D., filed with the Chief Clerk of the Illinois Commerce Commission, the Response of the Staff of the Illinois Commerce Commission to Ameritech's Motion for Expedited Entry of a Proposed Order, a copy of which is hereby served upon you.

/s/

---

JAMES E. WEGING  
Office of General Counsel  
Illinois Commerce Commission  
160 North LaSalle Street  
Suite C-800  
Chicago, Illinois 60601  
(312) 793-2877  
Fax (312) 793-1556  
JWEGING@ICC.State.IL.US

*Counsel for the Staff of the  
Illinois Commerce Commission*

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that copies of the above Notice, together with a copy of the document referred to therein, have been served upon the parties to whom the Notice is directed by e-mail or, if without an e-mail address, by first class mail, proper postage prepaid, from Chicago, Illinois on the 23rd day of December, 2002 A.D.

/s/

\_\_\_\_\_  
JAMES E. WEGING

SERVICE LIST  
ICC DOCKET NO. **02-0782**  
DECEMBER 23, 2002 - JEW

Sean R Brady  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
Chicago IL 60601-3104

Toya Cray  
Regulatory Analyst  
Choctaw Communications, L.C.  
d/b/a Smoke Signal Communications  
8700 S. Gessner  
Houston TX 77074

Dennis G Friedman  
Atty. for Illinois Bell Telephone Company  
Mayer Brown Rowe & Maw  
190 S. LaSalle St.  
Chicago IL 60603-3441

James Huttenhower  
Illinois Bell Telephone Company  
Suite 25-D  
225 W. Randolph Street  
Chicago IL 60606

Rhonda J Johnson  
Vice President  
Illinois Bell Telephone Company  
555 Cook St., Fl. 1E  
Springfield IL 62721

Mark A Kerber  
Counsel  
Illinois Bell Telephone Company  
225 W. Randolph St., 25D  
Chicago IL 60606

Sanjo Omoniyi  
Case Manager  
Illinois Commerce Commission  
527 E. Capitol Ave.  
Springfield IL 62701

Document Processor  
C T Corporation System  
208 S. LaSalle St.  
Chicago IL 60604

James Weging  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
Chicago IL 60601-3104

Nancy Hertel  
Ameritech  
225 W. Randolph Street, Fl. 25-D  
Chicago, IL 60606

SERVICE LIST  
ICC DOCKET NO. **02-0789**  
DECEMBER 23, 2002 - JEW

Sean R Brady  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
Chicago IL 60601-3104

Dennis G Friedman  
Atty. for Illinois Bell Telephone Company  
Mayer Brown Rowe & Maw  
190 S. LaSalle St.  
Chicago IL 60603-3441

Jerry E Holt  
President  
Midwestern Telecommunications, Inc.  
4749 Lincoln Mall Dr., Ste. 600  
Matteson IL 60443

James Huttenhower  
Illinois Bell Telephone Company  
Suite 25-D  
225 W. Randolph Street  
Chicago IL 60606

Rhonda J Johnson  
Vice President  
Illinois Bell Telephone Company  
555 Cook St., Fl. 1E  
Springfield IL 62721

Mark A Kerber  
Counsel  
Illinois Bell Telephone Company  
225 W. Randolph St., 25D  
Chicago IL 60606

Sanjo Omoniyi  
Case Manager  
Illinois Commerce Commission  
527 E. Capitol Ave.  
Springfield IL 62701

James Weging  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
Chicago IL 60601-3104

Nancy Hertel  
Ameritech  
225 W. Randolph Street, Fl. 25-D  
Chicago, IL 60606